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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,345	01/25/2002	Toshinori Tanase	P 290651 T36-142064M/KOH	9313
23400	7590	10/08/2003	EXAMINER	
POSZ & BETHARDS, PLC 11250 ROGER BACON DRIVE SUITE 10 RESTON, VA 20190			TO, TOAN C	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,345

Applicant(s)

TANASE ET AL.

Examiner

Toan C To

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-7 is/are rejected.
- 7) ☒ Claim(s) 1-3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1 and 4 are objected to because of the following informalities:

Claim 1 and 4 recite the limitation "the upper fringe of an opening" in lines 2-3.

There is insufficient antecedent basis for this limitation in the claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Limitations as recited in the last paragraph of claim 4 are unclear.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 4-6, as best understood by the examiner, are rejected under 35 U.S.C. 102(e) as being anticipated by Saita et al (U.S. 6,293,581).

6. With respect to claims 4-5, Saita et al discloses a head protection airbag device having an airbag (21) which is stored, while being folded, along an upper fringe of an opening (define by roof 50, doors 13, 16, vehicle floor, front and back windshield, see figure 2) on the cabin-inside or indoor side and on the side of seat recliners (19), and when receiving inflation gas, the air bag (21) develops and inflates to cover the opening, wherein the air bag (21) includes a gas-inflow section (31) through which said inflation gas is introduced into the air bag, and a periphery part (32) surrounding the gas-inflow section (31), the gas inflow section is partitioned, by partitioning/ coupling parts (32a-d) coupling the cabin-inside side side wall (inner side of airbag 21) with the cabin outside side wall (outer side of the airbag 21), into a plurality of inflation parts (29a-o), which are arranged side by side in the longitudinal direction and inflate when receiving said inflation gas so as to separate said cabin-inside side wall and the cabin-outside side wall one from the other, and a lower end of the inflation parts (37) located on the side of the seat recliners (19) are higher than the lower ends of the other inflation parts (27), thereby preventing it from interfering with the upper ends of the seat recliners (19).

As to claim 6, wherein the gas-inflow section includes a front-seat inflow section (31) and a rear-seat inflow section (35), which are respectively provided covering openings on the side of the front seat (19) and rear seat (20), the front-seat inflow section (31) and the rear-seat inflow section (35) include, respectively, lower-end displacement inflation parts corresponding to the front seat and said rear seat, and a width dimension of said lower-end displacement inflation part of said front-seat inflow

section as longitudinally viewed is larger than that of said lower-end displacement inflation part of said rear-inflow section as longitudinally viewed.

DETAILED ACTION

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saita et al in view of Wallner et al (U.S. 6,308,982).

Saita et al discloses every element of the invention as discussed above in claim 4 except that the air bag introduces the inflation gas therein to both at the time of side collision and at the time of the roll-over.

Wallner et al teaches the invention wherein the air bag introduces the inflation gas therein to both at the time of side collision and at the time of the roll-over (see column 5, line 35-39) in order to increase safety for the occupant in the vehicle when accident occurs.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle airbag device of Saita et al by using teaching of Wallner et al such that the airbag device is enable to provide inflation gas upon both side collision and roll over occurs in order to provide more safety for occupant.

Allowable Subject Matter

9. Claims 1-3 would be allowable if rewritten or amended to overcome the objection as set forth in this Office action.

10. The following is a statement of reasons for the indication of allowable subject matter: neither the prior art of record alone nor in combination discloses or suggests a head protection airbag device particularly comprising: a plate like portion disposed between an inflatable protective shielding parts, and partitioning part being vertically disposed and defining the inflation parts in the inflatable protective shielding parts, an inflation communicating parts are disposed in the lower fringe side of the airbag under the plate like portion and along the lower fringe of the airbag, and the inflatable protective shielding parts are communicated with each other by the inflation communicating part. These structure in combination with other structure as recited in the claim define over prior art of record.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure includes the following: Eyranier et al (U.S. 6,244,091), White, Jr. (U.S. 6,231,073), Saito et al (U.S. 6,361,069), and Tschaeschke (U.S. 5,899,491), disclose a head protecting airbag device having an airbag, wherein the airbag including a plurality of inflation parts partitioning by coupling part.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan To whose telephone number is (703) 306-5951. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

Art Unit: 3616

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson, can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-2571. Any inquiry of a general nature or relating to the status of this application or this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1113.

To, T

A handwritten signature, possibly reading "T", is written over the text "To, T".

September 30, 2003